

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

LYNN KAREN HOCK,

Appellant,

v.

U.S. DEPARTMENT OF EDUCATION,

Appellee.

NO. 3:21-cv-00134

JOINT MOTION TO CONTINUE STAY

The Department of Education (“DOE”), by and through the undersigned counsel, and Plaintiff Lynn Karen Hock, *pro se*, jointly request the current stay of this litigation be extended, until and including August 31, 2022. In support of this Motion, the Parties would respectfully show as follows.

1. “A district court has the inherent power to control its own docket, including the power to stay proceedings before it. How to best manage the court's docket calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.” *Larada Scis., Inc. v. Flosonix Ventures, LLC*, 2020 WL 1481571, at *1 (W.D.N.C. Mar. 23, 2020) (internal citations and quotations omitted).

2. Plaintiff Hock initially requested a stay based, *inter alia*, on public statements made by the Department of Education that “The Department of Education has indicated publicly that it is reviewing current bankruptcy policies, a process which remains ongoing. While the student loan payment pause remains in

effect, any borrower in an adversary bankruptcy proceeding can request and receive a stay on their proceedings.”¹

3. After Plaintiff’s stay request, the USAO-WDNC consulted with Main Justice, including the Commercial Litigation Branch and the Executive Office for United States Attorneys (“EOUSA”), regarding any applicable internal policies and guidance, and it was determined that guidance from EOUSA applied to the USAO’s litigation position on a stay in this appeal, and dictated the USAO-WDNC should agree to Plaintiff’s stay request through May 1, 2022, and offer to file any necessary papers to jointly request a litigation stay and indicate the USAO’s consent thereto.

4. The Court granted the Parties’ initial request for a stay, which is set to expire on May 1, 2022. *See* Doc. 18.

5. In April of 2022, the Department of Education extended its pause on student loan repayment, interest, and collections through August 31, 2022,² and Plaintiff has requested the stay of this case continue through that date.

6. Current guidance from the EOUSA dictates that the USAO-WDNC must agree to Plaintiff’s stay request.

7. Based on the Parties’ agreement, and for judicial economy in the event that the Department of Education’s student loan policies change in such a manner as to impact the dischargeability of Plaintiff’s student loans during the instant appeal,

¹ See <https://www.forbes.com/sites/zackfriedman/2022/02/04/biden-stops-challenging-student-loan-forgiveness-after-public-outcry/?sh=352c59f4cb11>

² See <https://www.ed.gov/news/press-releases/biden-harris-administration-extends-student-loan-pause-through-august-31>

the Court may exercise its discretion to continue the instant stay through August 31, 2022.

Respectfully submitted this 25th day of April, 2022 on behalf of the Parties.

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